

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CRATON LIDDELL, *et al.*, )  
Plaintiffs, )  
v. ) Case No. 4:72-CV-100  
BOARD OF EDUCATION OF THE )  
CITY OF ST. LOUIS, MISSOURI, )  
*et al.*, )  
Defendants. )

**THE STATE OF MISSOURI'S REPLY**  
**TO THE COURT'S ORDER OF JUNE 3, 2016**

This case is closed. The federal claims previously alleged against Defendants no longer exist, and, as provided in the parties' settlement agreement, this Court lacks jurisdiction to adjudicate any of the claims now sought to be filed herein against the State of Missouri.

The federal claims in this matter were settled and closed back on March 12, 1999. At that time, the parties agreed that any future claims such as those now being alleged "shall be adjudicated only in State Court". Although the parties have on occasion obtained this Court's leave to amend or correct their settlement, they have never agreed to litigate in this Court the claims that are now being alleged against the State. To the contrary, for the past seventeen (17) years, all such claims have been litigated in State

court (*see e.g. Bd. Of Educ. City of St. Louis v. State*, 229 S.W.3d 157 (Mo. App. E.D. 2007)), and no valid reason or basis exists for the Court at this point to change course and exercise federal jurisdiction over the newly filed state-law claims. *See Motion to Strike* (Doc # 389) *and Reply* (Doc # 393).

Because the Court lacks jurisdiction, the State intentionally has not addressed to this Court the merits of the claims raised by way of the recently filed Motion to Enforce Settlement. The State will do so after such claims are filed – as agreed – in State Court.

Respectfully submitted,

**CHRIS KOSTER**  
Attorney General

/s/Henry F. Luepke  
Henry F. Luepke, #38782MO  
Jeremiah J. Morgan, #50387MO  
Assistant Attorney General  
Missouri Attorney General's Office  
P.O. Box 861  
St. Louis, MO 63188  
Telephone: (314) 340-7652  
Facsimile: (314) 340-7029  
Bud.Luepke@ago.mo.gov  
Jeremiah.Morgan@ago.gov

*Attorneys for Defendant State of Missouri*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of June 2016, this Reply was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system on counsel of record.

*/s/Henry F. Luepke*